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REMARKS/ARGUMENTS

Claims 1-6 are pending in this Application.

Applicants greatly appreciate the allowance of claims 1-4 by the Examiner.

Applicants' counsel greatly appreciates the courtesies extended by the Examiner in the personal interview of September 15, 2005.

Applicants' counsel and the Examiner discussed Peled et al. (U.S. 4,725,784), which is directed to determining the state of charge for a battery and not directed to capacitors. The Examiner explained that he was very broadly interpreting the term "capacitor" to include batteries.

Applicants filed two Information Disclosure Statements in the U.S. Patent Office, one on December 22, 2004 and another on May 3, 2004. However, copies of the Forms PTO-1449 were not included in the Office Action. According to the U.S. Patent Office Website, both Information Disclosure Statements have been entered into the Image File Wrapper. Accordingly, Applicants respectfully request that the Examiner consider the IDS and include a copy of the two initialed and signed Forms PTO-1449 in the next Office Action.

The Examiner rejected claims 5 and 6 under 35 U.S.C. §102(b) as being anticipated by Peled et al. Applicants respectfully traverse the rejection of claims 5 and 6.

Claim 5 recites:

A calculation apparatus for calculating effective power relating to a capacitor, comprising a calculator, wherein the calculator stores data on a plurality of capacitors including capacitances and dielectric tangents thereof which are determined based on a voltage characteristic, a frequency characteristic, and a temperature characteristic of the capacitors, and data on a first effective power for each of a plurality of equilibrium temperatures of the capacitors;

when a predetermined capacitance required for an electric circuit using one of the capacitors and the waveform of a periodic voltage applied to both ends of the capacitor are input, a second effective power at each of a plurality of provisional temperatures is calculated from the input waveform of the periodic voltage;

the calculator determines a predetermined temperature at which the first effective power is approximately equal to the second effective

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power as a target equilibrium temperature of the capacitor; the calculator determines the first effective power and the second effective power corresponding to the target equilibrium temperature as a target effective power corresponding to the periodic voltage; and the calculator compares a stored allowable power of the capacitor with the target effective power corresponding to the periodic voltage in order to determine whether or not the capacitor is available. (emphasis added)

Applicants' claim 5 recites the feature of "the calculator stores data on a plurality of capacitors including capacitances and dielectric tangents thereof which are determined based on a voltage characteristic, a frequency characteristic, and a temperature characteristic of the capacitors."

Applicants' claim 6 recites a feature similar to the above emphasized feature.

The Examiner alleged that Peled et al. teach each feature of Applicants' claims 5 and 6.

Applicants respectfully disagree.

As discussed above, the Examiner has very broadly interpreted the term capacitor recited in Applicants' claims 5 and 6 to include a battery. Applicants respectfully disagree with this interpretation.

First, the Encarta online dictionary (<http://encarta.msn.com>) defines the term capacitor as "**electrical storage component**: an electrical component, used to store a charge temporarily, consisting of two conducting surfaces separated by a nonconductor dielectric" and defines the term battery as "**power source**: a number of connected electric cells that produce a direct current through the conversion of chemical energy into electrical energy" (emphasis in original). Applicants respectfully submit that one of ordinary skill in the art would not have considered the term capacitor to include a battery because one of ordinary skill in the art would have considered a capacitor to be an **electrical storage component**, which is not the same as a battery that is used as a **power source**.

Second, the second paragraph under the section title "**DETAILED DESCRIPTION OF PREFERRED EMBODIMENTS**" on page 9 of the originally filed Specification states, "First, an electric circuit to which a periodic voltage is applied is

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prepared. In this preferred embodiment, a snubber circuit of a switching field effect transistor (FET) of a switching power supply is preferably provided as the electric circuit. Further, a **ceramic capacitor** having a **capacitance value** of about 470 pF and a **rated voltage** of about DC 1 kV is preferably provided as a capacitor for evaluation" (emphasis added).

Each of the above bold-only emphasized terms is used to describe a capacitor. The Examiner has failed to explain why one of ordinary skill in the art would have considered a **ceramic capacitor** to be a battery. Further, the capacitance value and rated voltage are the main properties used by persons having ordinary skill in the art to differentiate different capacitors from each other. That is, in a collection of different capacitors, the main properties used to differentiate the different capacitors from each other are the capacitance value and the rated voltage of the capacitors. As the Examiner is well aware, the capacitance value and rated voltage are not typically used to distinguish between different types of batteries.

Third, Peled et al. fails to mention either of the terms capacitance or dielectric tangents. Peled et al. does refer to the capacity of the battery. However, as the Examiner is well aware, the capacity of a battery is not the same as the capacitance. Capacity of a battery is measured, as shown in Figs. 2 and 3 of Peled et al., in Amp*hours (Ahr), and capacitance is measured in Farads (F). Thus, Applicants respectfully submit that the Examiner has failed to provide any evidence that the terms capacitance and dielectric tangents are used to describe a battery.

Fourth, assuming *arguendo* that Peled et al. teaches or suggests that the terms capacitance and dielectric tangents are used to describe a battery, Applicants' claim 5 recite the feature of "the calculator stores data on a plurality of capacitors including **capacitances and dielectric tangents** thereof which are determined based on a voltage characteristic, a frequency characteristic, and a temperature characteristic of the capacitors" (emphasis added). Applicants' claim 6 recites a similar feature. As the Examiner is well aware, a battery is a source of direct current voltage. That is, a battery is a source of voltage having zero frequency. Thus, Applicants respectfully submit that the capacitances and dielectric tangents of a battery are not determined by a **frequency**

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characteristic, as recited in Applicants' claims 5 and 6.

Thus, Applicants respectfully submit that Peled et al., at least, fails to teach or suggest the feature of "the calculator stores data on a plurality of capacitors including capacitances and dielectric tangents thereof which are determined based on a voltage characteristic, a frequency characteristic, and a temperature characteristic of the capacitors" as recited in Applicants' claim 5 and similarly in Applicants' claim 6.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. §102(b) as being anticipated by Peled et al.

Accordingly, Applicants respectfully submit that the prior art of record, applied alone or in combination, fails to teach or suggest the unique combination and arrangement of elements recited in claims 5 and 6 of the present application. The Examiner has allowed claims 1-4.

In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a ONE-month extension of time, extending to September 25, 2005, the period for response to the Office Action dated May 25, 2005.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,



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